

MEMO ENDORSED

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*ADMITTED TO PRACTICE IN NEW YORK, CONNECTICUT, AND WASHINGTON, D.C.

March 30, 2025

Honorable Jessica G.L. Clarke
United States District Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: Diamond Tucker St. Property, LLC v. Pupovic, et al; 7:24-cv-08373 (JGLC)

Dear Judge Clarke:

I represent the Plaintiff, Diamond Tucker St. Property, LLC (“DTS”), with respect to the above matter. By this letter Motion, DTS is respectfully requesting that the Court stay this action in its entirety pending adjudication of a Fed. R. Civ. P. 60(b)(4) filed by the Plaintiff in this action (and two additional entity parties not named in this case) which is currently pending before the Honorable Victor A. Bolden in the United States District Court for the District of Connecticut in the matter of Pupovic, et al v. Diamond Tucker St. Property, LLC, et al, 3:24-cv-01969 (VAB).

The Fed. R. Civ. P. 60(b)(4) Motion, a copy of which is annexed to DTS’ Motion to Strike as an Exhibit, seeks to void a purported default Judgment which allegedly entered against DTS (and others) in the Superior Court of Connecticut, Judicial District of Bridgeport, since the Court lacked personal jurisdiction over the Defendants in that case, one of whom is the Plaintiff in this case, DTS. As the Motion avers, the Plaintiffs in that case (the Defendants in this one) utilized a defective section of the Connecticut General Statutes in attempting to effectuate service of process. As such, service was patently improper, rendering the case vulnerable to dismissal. Consequently, the Superior Court never acquired personal jurisdiction over DTS (and the other Defendants) and the ostensible Judgment, the Motion argues, therefore, is void.

In the Southern District of New York, the Court has discretion to stay an action “in the interest of judicial economy . . . pending the outcome of proceedings which bear upon the case,

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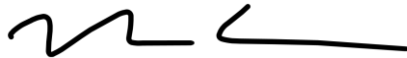
even if such proceedings are not necessarily controlling of the action that is to be stayed.” *LaSala v. Needham & Co.*, 399 F. Supp. 2d 421, 427 (S.D.N.Y. 2005) (quoting *Am. Shipping Line v. Massan Shipping*, 885 F. Supp. 499, 502 (S.D.N.Y. 1995)).

It is respectfully posited that this is the precise situation with the instant case and that considerations of judicial economy merit staying this action. The Defendants have raised an affirmative defense predicated, in whole or in part, upon the purported default Judgment which DTS is currently challenging in the United States District Court for the District of Connecticut. As such, a ruling on DTS’ Motion will have a direct bearing on this matter. A stay of this action promotes judicial economy.

Based upon the foregoing, DTS respectfully requests that the Court stay this action in its entirety pending the adjudication of its Fed. R. Civ. P. 60(b)(4) Motion presently before Judge Bolden.

The Court’s time and kind attention to this request is appreciated.

Very Truly Yours,

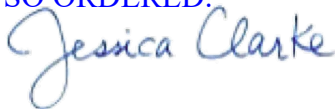


Roderick D. Woods, Esq.

cc: All counsel of record via ECF

Defendants are directed to file an response to Plaintiff's request by no later than April 2, 2025.

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: March 31, 2025
New York, New York